



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,877	12/19/2005	Miles Stephen Cain	068029-5005US	5886
9629 7590 10/22/2008 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
CHANG, VICTOR S				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
10/22/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

NOTE

1. Applicants' arguments filed 10/6/2008 has been entered and considered. In response, the grounds of rejections have been maintained. Regarding applicants' arguments directed to the "vent holes" taught by Nakamura, upon a careful reconsideration, a new interpretation is provided as set forth below. The explanation in the Response to Arguments section in prior Office action regarding the "vent holes" has been withdrawn.

2. First, the term "impervious barrier layer" in claim 1 of instant invention is interpreted as relating to a barrier property defined by the recitation "barrier prevents absorption of the adhesive silicone gel coating into the fabric substrate" in claim 1, ll. 3-4. This definition is consistent with the teachings in the specification of the instant invention at pp. 2, ll. 15-16 and pp. 11, ll. 18-19 that "The thickness of the barrier layer is preferably chosen to be sufficient to ensure that an impervious layer is formed." Accordingly, the term "impervious" is interpreted as meaning that the barrier layer has sufficient thickness for preventing the adhesive silicone gel from being absorbed into the fabric substrate through its thickness direction when the sag preventing member is laminated to a fabric under pressure and heat.

Second, the rejection in Office action mailed 6/4/2008 page 3 "since Nakamura teaches that the hot melt flexible film layer 11 avoids exuding a liquid silicone rubber 12 on the outer surface of the clothing, and Furuno teaches discrete cured layers, the combined teachings of prior art clearly read on the term "an impervious barrier layer"" is maintained. One of ordinary skill in the art would have instantly recognized that since Nakamura's hot melt flexible film layer avoids

extruding a liquid silicone rubber on the outer surface of the clothing, it reads on the “impervious barrier layer” of the claimed invention, because they are functionally equivalent.

Third, even if Nakamura teaches “vent holes” being formed for breathability, it does not teach away from having an “impervious barrier layer”, as evidenced by the fact that the layers are coextensive (Figs. 1-3). Since the barrier layer 11 prevents adhesive layer 12 from being absorbed into the fabric through the thickness direction, including at the edges of the laminate, there is no reason whatsoever to believe that the adhesive layer 12 would be extruded through the vent holes and being absorbed by the fabric, because the adhesive layer 12 surrounding the holes would have been similarly prevented from being extruding in the thickness direction by the barrier layer 11 as the outer edges of the laminate. Nowhere is there a teaching that the adhesive layer 12 would overflow the edge of the laminate and absorbed by the fabric.

Fourth, applicants are reminded that the specification of claimed invention also teaches forming small holes for obtaining a desired degree of air permeability [page 5, lines 1-2].

Finally, since explanation in the Response to Arguments section in prior Office action has been withdrawn, applicants’ arguments are moot.